REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 3, 10-15, 18-40, 42, 44-47, and 51-75 were pending in the application, of which Claims 15, 26, 40, 42, 44, 51, and 62 are independent. In the Office Action dated December 14, 2005, Claims 3, 10-15, 18-40, 42, 44-47, and 51-68 were rejected under 35 U.S.C. § 103(a). Following this response, Claims 3, 10-15, 18-40, 42, 44-47, and 51-75 remain in this application. Applicant hereby addresses the Examiner's rejections in turn.

I.   Rejection of Claims 3, 10-15, 18-40, 42, 44-47, 51-66, and 69-75 Under 35 U.S.C. § 103(a)

In the Office Action dated December 14, 2005, the Examiner rejected Claims 3, 10-15, 18-40, 42, 44-47, 51-66, and 69-75 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application No. 2002/0002552 ("*Schultz*") in view of "CellPoint and Webraska Join Forces" ("*CellPoint*") in view of U.S. Published Patent Application No. 2002/0087408 ("*Burnett*"). Claims 15, 26, 40, 42, 44, 51, and 62 have been amended, and Applicant respectfully submits that the amendments overcome this rejection and add no new matter.

Amended Claim 15 is patentably distinguishable over the cited art for at least the reason that it recites, for example, that the "wherein the one or more advertiser entries from the second subset of the plurality of advertiser are configured to be presented in the following order: advertiser entries in the same telephone exchange as the user's location, advertiser entries in the same ZIP code as the user's location, advertiser entries in the same area code as the user's location, and advertiser entries in the same

LATA as the user's location." Amended Claims 26, 40, 42, 44, 51, and 62 each includes a similar recitation.

Consistent with an embodiment of the claimed invention, a rough approximation of how proximate an advertiser may be to a user can be based on whether the advertiser has the same telephone exchange area, same zip code, same area code area, and/or same local access and transport area (LATA) as the user. (*See* specification, page 23, paragraph [0048].) If the user is in the same telephone exchange area as a first advertiser, and in a different telephone exchange area from a second advertiser, the user may be closer to the first advertiser. (*See* specification, page 24, paragraph [0048].) Likewise, for example, if the user is in the same area code area (e.g., having the same area code or an overlay area code of the area code) as a third advertiser, and in a different area code area from a fourth advertiser, then the user may be closer to the third advertiser. (*See* specification, page 24, paragraph [0048].)

Based on such rough approximations as described above, consistent with embodiments of the claimed invention, Figure 5 illustrates how close advertisers without measured location information may be to a user location 500. (*See* specification, page 24, paragraph [0049].)
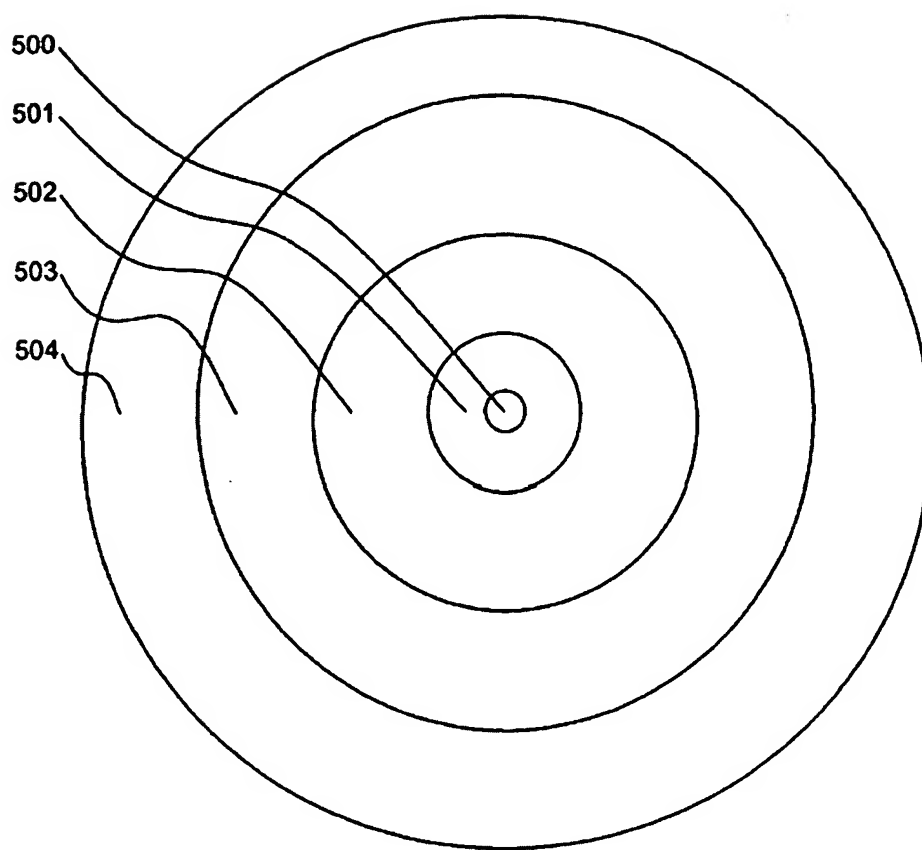
Figure 5
(from the present application)

Area 501 illustrates advertisers having the same telephone exchange area as user

location 500. (*See* specification, page 24, paragraph [0049].) Area 502 illustrates

advertisers having the same zip code area as user location 500. (*See* specification,

page 24, paragraph [0049].) Area 503 illustrates advertisers having the same area

code area as user location 500 (when a zip code area is smaller than an area code

area). (*See* specification, page 24, paragraph [0049].) Area 504 illustrates advertisers

in the same LATA as user location 500. (*See* specification, page 24, paragraph [0049].)

When advertiser listing information lacking measured location information (e.g., latitude

and longitude information, etc.) is to be presented to a user, advertisers of area 501

may be presented before advertisers of area 502, advertisers of area 502 may be presented before advertisers of area 503, advertisers of area 503 may be presented before advertisers of area 504, and so on. (*See* specification, page 24, paragraph [0049].)

In contrast, *Schultz* at least does not disclose advertiser entries presented in the order of advertiser entries in the same telephone exchange as the user's location, advertiser entries in the same ZIP code as the user's location, advertiser entries in the same area code as the user's location, and advertiser entries in the same LATA as the user's location. For example, *Schultz* discloses that a user submits a search request via a computer network to a search engine, via a kiosk, a voice recognition telephony, a touch screen, a wireless device, or any other technology that will act as an interface between a user and a computer network. (*See* paragraph [0040].) The search request of *Schultz* includes location data, an information query, and geographic criteria. (*See* paragraph [0040].) The location data of *Schultz* provides information on the user's geographic location. (*See* paragraph [0040].) However, *Schultz's* location data can be any geographic reference location chosen by the user. (*See* paragraph [0040].) In addition, *Schultz's* location data may be based on a unified geocoding system, but the location data can be any type of geographic location, such as a street, area code, zip code, city, county, state, longitudinal and latitudinal coordinates, geometric corridor, state planar coordinates, or any unified geocoding system. (*See* paragraph [0040].) In *Schultz*, while various geographic location data are disclosed, no presentation order is disclosed. Accordingly, *Schultz* does not disclose presenting in the order of advertiser entries in the same telephone exchange as the user's location, advertiser entries in the

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same ZIP code as the user's location, advertiser entries in the same area code as the user's location, and advertiser entries in the same LATA as the user's location.

Moreover, *CellPoint* does not overcome *Schultz's* deficiencies. *CellPoint* merely discloses live navigation services based on GSM positioning of cellular telephones. Like *Schultz*, *CellPoint* does not disclose a presentation order at all, much less presenting in the order of advertiser entries in the same telephone exchange as the user's location, advertiser entries in the same ZIP code as the user's location, advertiser entries in the same area code as the user's location, and advertiser entries in the same LATA as the user's location.

Furthermore, while *Schultz* and *CellPoint* fail to expressly disclose the aforementioned claim recitation, *Burnett* does not overcome their deficiencies. *Burnett* merely discloses that a consumer who has selected a specific product, or has prepared a short list of acceptable alternatives, will generally want to know where they can buy them and how much they will cost. (*See* paragraph [0025].) The consumer, according to *Burnett*, will want to know the availability and pricing of the desired product or service, preferably from several retailers so that comparisons can be made. (*See* paragraph [0025].) In selecting a preferred retailer, the consumer, according to *Burnett*, may want to consider the retailer's location (physical or online address), the retailer's operating hours (if relevant), and available payment options. (*See* paragraph [0025].) According to *Burnett*, the traditional source of this information is business directories, such as the Yellow Pages. (*See* paragraph [0025].) On the Internet the sources of retailer information include business directories, reseller locators and bots or agents as disclosed by *Burnett*. (*See* paragraph [0025].) Consequently, like *Schultz* and

CellPoint, Burnett does not disclose a presentation order at all, rather *Burnett* merely discloses that in selecting a preferred retailer, the consumer may want to consider the retailer's location. Accordingly, *Burnett* does not disclose presenting in the order of advertiser entries in the same telephone exchange as the user's location, advertiser entries in the same ZIP code as the user's location, advertiser entries in the same area code as the user's location, and advertiser entries in the same LATA as the user's location.

Combining *Schultz* and *CellPoint* with *Burnett* would not have led to the claimed invention because *Schultz*, *CellPoint*, and *Burnett,* either individually or in any reasonable combination, at least do not disclose "wherein the one or more advertiser entries from the second subset of the plurality of advertiser are configured to be presented in the following order: advertiser entries in the same telephone exchange as the user's location, advertiser entries in the same ZIP code as the user's location, advertiser entries in the same area code as the user's location, and advertiser entries in the same LATA as the user's location", as recited by amended Claim 15. Amended Claims 26, 40, 42, 44, 51, and 62 each includes a similar recitation. Accordingly, independent Claims 15, 26, 40, 42, 44, 51, and 62 each patentably distinguishes the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of Claims 15, 26, 40, 42, 44, 51, and 62.

Dependent Claims 3, 10-14, 18-25, 27-39, 45-47, 52-61, 63-66, and 69-75 are also allowable at least for the reasons described above regarding independent Claims 15, 26, 40, 42, 44, 51, and 62, and by virtue of their respective dependencies upon independent Claims 15, 26, 40, 42, 44, 51, and 62. Accordingly, Applicant respectfully

requests withdrawal of this rejection of dependent Claims 3, 10-14, 18-25, 27-39, 45-47, 52-61, 63-66, and 69-75.

II.   Rejection of Claims 67 and 68 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 67 and 68 under 35 U.S.C. § 103(a) as being unpatentable over *Schultz* in view of *CellPoint* in view of *Burnett* further in view of U.S. Published Patent Application No. 2002/200688585 ("*Chan*"). Dependent Claim 67 is patentably distinguishable over the cited art for at least for the reason that it includes, due to its dependency on amended independent Claim 15, "wherein the one or more advertiser entries from the second subset of the plurality of advertiser are configured to be presented in the following order: advertiser entries in the same telephone exchange as the user's location, advertiser entries in the same ZIP code as the user's location, advertiser entries in the same area code as the user's location, and advertiser entries in the same LATA as the user's location." Dependent Claim 68 is patentably distinguishable over the cited art for at least for the reason that it includes a similar recitation due to its dependency on amended independent Claim 51.

As stated above, *Schultz* at least does not disclose advertiser entries presented in the order of advertiser entries in the same telephone exchange as the user's location, advertiser entries in the same ZIP code as the user's location, advertiser entries in the same area code as the user's location, and advertiser entries in the same LATA as the user's location. For example, *Schultz* discloses that a user submits a search request via a computer network to a search engine, via a kiosk, a voice recognition telephony, a touch screen, a wireless device, or any other technology that will act as an interface

between a user and a computer network. (*See* paragraph [0040].) The search request of *Schultz* includes location data, an information query, and geographic criteria. (*See* paragraph [0040].) The location data of *Schultz* provides information on the user's geographic location. (*See* paragraph [0040].) However, *Schultz's* location data can be any geographic reference location chosen by the user. (*See* paragraph [0040].) In addition, *Schultz's* location data may be based on a unified geocoding system, but the location data can be any type of geographic location, such as a street, area code, zip code, city, county, state, longitudinal and latitudinal coordinates, geometric corridor, state planar coordinates, or any unified geocoding system. (*See* paragraph [0040].) In *Schultz*, while various geographic location data are disclosed, no presentation order is disclosed. Accordingly, *Schultz* does not disclose presenting in the order of advertiser entries in the same telephone exchange as the user's location, advertiser entries in the same ZIP code as the user's location, advertiser entries in the same area code as the user's location, and advertiser entries in the same LATA as the user's location.

As also stated above, *CellPoint* does not overcome *Schultz's* deficiencies. *CellPoint* merely discloses live navigation services based on GSM positioning of cellular telephones. Like *Schultz*, *CellPoint* does not disclose a presentation order at all, much less presenting in the order of advertiser entries in the same telephone exchange as the user's location, advertiser entries in the same ZIP code as the user's location, advertiser entries in the same area code as the user's location, and advertiser entries in the same LATA as the user's location.

Furthermore, as stated above, *Schultz* and *CellPoint* fail to expressly disclose the aforementioned claim recitation, *Burnett* does not overcome their deficiencies. *Burnett*

merely discloses that a consumer who has selected a specific product, or has prepared a short list of acceptable alternatives, will generally want to know where they can buy them and how much they will cost. (*See* paragraph [0025].) The consumer, according to *Burnett*, will want to know the availability and pricing of the desired product or service, preferably from several retailers so that comparisons can be made. (*See* paragraph [0025].) In selecting a preferred retailer, the consumer, according to *Burnett*, may want to consider the retailer's location (physical or online address), the retailer's operating hours (if relevant), and available payment options. (*See* paragraph [0025].) According to *Burnett*, the traditional source of this information is business directories, such as the Yellow Pages. (*See* paragraph [0025].) On the Internet the sources of retailer information include business directories, reseller locators and bots or agents as disclosed by *Burnett*. (*See* paragraph [0025].) Consequently, like *Schultz* and *CellPoint*, *Burnett* does not disclose a presentation order at all, rather *Burnett* merely discloses that in selecting a preferred retailer, the consumer may want to consider the retailer's location. Accordingly, *Burnett* does not disclose presenting in the order of advertiser entries in the same telephone exchange as the user's location, advertiser entries in the same ZIP code as the user's location, advertiser entries in the same area code as the user's location, and advertiser entries in the same LATA as the user's location.

Furthermore, *Chan* does not overcome *Schultz*'s, *CellPoint*'s, and *Burnett*'s deficiencies. *Chan* merely discloses an intelligent mobile information system. For example, *Chan* discloses automatically searching required local information for an information user. (*See* Abstract.) *Chan* can use the information user's personal profile,

position history, and query history to generate a next set of information user's required local information. (*See* Abstract.) An information search list in *Chan* can also be generated based on the information user profile. (*See* Abstract.) According to *Chan*, the disclosed local information accessing system and method will be very useful if the information user is mobile and do not have enough time to search the web. (*See* Abstract.) Like *Schultz*, *CellPoint*, and *Burnett*, *Chan* at least does not disclose a presentation order at all, much less presenting in the order of advertiser entries in the same telephone exchange as the user's location, advertiser entries in the same ZIP code as the user's location, advertiser entries in the same area code as the user's location, and advertiser entries in the same LATA as the user's location.

Combining *Schultz, CellPoint, Burnett, and Chan* would not have led to the claimed invention because *Schultz, CellPoint, Burnett, and Chan,* either individually or in combination, at least do not disclose "wherein the one or more advertiser entries from the second subset of the plurality of advertiser are configured to be presented in the following order: advertiser entries in the same telephone exchange as the user's location, advertiser entries in the same ZIP code as the user's location, advertiser entries in the same area code as the user's location, and advertiser entries in the same LATA as the user's location", as included in dependent Claim 67. Dependent Claim 68 includes a similar recitation. Accordingly, dependent Claims 67 and 68 each patentably distinguishes the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of dependent Claims 67 and 68.

III.   Conclusion

In view of the foregoing remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,

Dated: March 22, 2006   By:_____
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